IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.493 OF 2007
IN
SUIT NO.937 OF 1981

Dr. Narayan Kisanlal Malpani & Ors. ... Plaintiffs

Vs.

M/s. Jamshedji Rustomji Devidas & Jani & Merchants. ... Defendants

Mr. R.R. Nagda for the plaintiffs.

Mr. F. Dubash with Mr. M.S. Doctor i/b Federal & Rashmikant for the defendants.

CORAM : SMT. RANJANA DESAI, J.

DATED : OCTOBER 25, 2007.

P.C.:-

1. This chamber summons is not on board. By consent of the parties, it is taken on board.

2. This chamber summons is taken out for bringing the heirs of plaintiff 2 on record.

3. Heard learned counsel for the plaintiffs and learned counsel for the defendants. Learned counsel for the defendants says that it is the case of the plaintiffs that the right to sue does not survive.

4. The chamber summons is made absolute in terms of prayer clause (a). However, the contention raised by the learned counsel for the defendants that right to sue does not survive, is kept open. Amendment to be carried out within two weeks from today. Chamber summons is disposed of.

[SMT. RANJANA DESAI, J.]